

STATE OF MARYLAND

v.

KRYSTOPHER LOMAX

IN THE CIRCUIT COURT

FOR WASHINGTON COUNTY

CASE NO. C-21-CR-23-000120

MOTIONS PURSUANT TO MARYLAND RULE 4-252

Pursuant to Maryland Rule 4-252, Defendant, through the Office of the Public Defender, respectfully represents that:

1. Any in-court identification at the trial of the Defendant will be tainted as a result of impermissible suggestive identification procedures undertaken by police authorities and/or will be the result of an illegal arrest or search.
2. Evidence seized in this case was obtained as the result of an illegal: search and seizure, interception of wire or oral communication, electronic surveillance, including but not limited to any cell-site simulator device such as (stingray) or other device, or illegal pre-trial identification.
3. Any statements or confessions taken from the Defendant were involuntary and were elicited during custodial interrogation without the observance of the procedural safeguards required by law.
4. The Defendant will be prejudiced by the joinder of the Defendant's trial with that of any Co-Defendants and that the Defendant will be prejudiced by the joinder of charges arising from separate incidents and moves to sever. The Defendant objects to any state motion to join defendants for trial.
5. The charging document is defective, duplicitous, and operates to deny Defendant due process of law.
6. This prosecution was defectively instituted.
7. This prosecution is barred because of a statute of limitations, immunity, former jeopardy, and/or delay of prosecution, including but not limited to a violation of the Defendant's right to a speedy trial, pursuant to the 180 day rule under Hicks, and his constitutional right to a speedy trial.

WHEREFORE, Defendant prays for the following relief:

- A. Dismissal of the charging document;
- B. Suppression of any in-court identification at the trial and/or illegally seized evidence and/or statements or confessions, illegally intercepted wire or oral communication, or pre-trial identification;
- C. Severance of indictments/information and/or severance of his trial from that of any and all Co-Defendants; and
- D. Any and all further relief available by law.

OFFICE OF THE PUBLIC DEFENDER

/s/Steve Musselman

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on March 10, 2022, a copy of the foregoing was electronically e-filed through MDEC and served on the State's Attorney's Office for Washington County.

/s/Steve Musselman

Steve Musselman
Assistant Public Defender

POINTS AND AUTHORITIES

U.S. Constitution, Due Process Clause, 4th and 14th Amendments
Article 21, 26, Maryland Declaration of Rights
Brady v. Maryland, 373 U.S. 83 (1966)
Brown v. Illinois, 422 U.S. 590 (1975)
Brown v. Texas, 443 U.S. 47 (1979)
Dickerson v. United States, 530 U.S. 428 (2000)
Ferris v. State, 355 Md. 356 (1999)
Jones v. State, 343 Md. 448 (1996)
Laws and Dorman v. State, 6 Md.App. 243, 251 A.2d 237 (1969)
Manson v. Brathwaite, 432 U.S. 98 (1977)
McKnight v. State, 280 Md. 604 (1977)
Miranda v. Arizona, 34 U.S. 436 (1966)
Neil v. Biggers, 409 U.S. 188 (1972)
Schneekloth v. Bustamonte, 412 U.S. 218 (1973)
Simmons v. United States, 390 U.S. (1969)
State v. Andrews, 227 Md.App 350 (2016)
State v. Hicks, 285 Md. 310 (1979)
Williams v. State, 226 Md. 614, 174 A.2d 719 (1961)
Wong Sun v. United States, 371 U.S. 471 (1963)
Art. 6 §103, Trial Date. Courts and Judicial Procedure, MD CODE
Rule 4-102 – Definitions
Rule 4-202 – Charging document – Content
Rule 4-203 – Charging document – Joinder of offenses and defendants
Rule 4-204 – Charging document – Amendment
Rule 4-253 – Joint or separate trials
Rule 4-271 – Trial Date